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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Auspice Stella, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Mapuche Human Rights Situation

The Mapuche people is a pre-Columbian nation that has traditionally lived in the south of the area now occupied by the states of Chile and Argentina. It was the only indigenous people in South America to achieve political independence from Spain, exercising its territorial sovereignty and self-determination before the declaration of independence, in 1810, of those states.

The autonomy of Spain was granted by the Treaty of Killin -1641- this treaty was subsequently ratified by Spain in thirty treaties, including Chile-after independence. Argentina also recognized the border with the Mapuche Nation fortifying throughout its territory.

The Mapuche people have been fighting for the return of their ancestral territory since being occupied by both republics. Under the current government of Bachelet, particularly with Jorge Burgos as Minister of Interior, it has increased repression, stigmatization, discrimination and criminalization against the Mapuche, particularly against those communities that support territorial political, economic, cultural and autonomy and self-determination claims,. With significantly increased military arms purchasing and police officers presence in Mapuche area's as well as a repeated rhetoric criminalizing Mapuche government officials and the discretionary use of the Patriot Act. The government's refusal to enter into any constructive dialogue with Mapuche leaders serves only to compound this problem.

Chile prohibits CONADI (National Indigenous Development Corporation) to acquire land for communities that are actively fighting for the return of what historically belongs to them, fragmenting and stigmatizing these communities in an attempt to divide between "violent" and "peaceful". The emphasis of the government has been the criminalization and militarization of the area as a form of social control. The police, with full support from the government, enjoys impunity for the violation of fundamental human rights. The government ignores repeated national and international calls to address the conflict as a political problem.

Mapuche territorial claim and HLFFDP .

Successive democratic governments have concentrated their efforts on the extension for 20 years of DL 701 on Forest Development, implemented by the military dictatorship in 1974, and a tax payment of 55 million dollars. However, the results of evaluations of this policy conclude that 69.8% of the subsidies provided by the decree have favored large and medium sized forest enterprises, particularly the Angelini and Matte group, which control 80% of exports forest country.

The increase of monoculture eucalyptus and pine, to the detriment of native forests and agricultural land, in addition to destroying ecosystems and damage to the environment, has compromised the food security of future generations. High water consumption of monocultures have affected the water balance of the territories, causing shortage of drinking water and generate unemployment, poverty and rural migration to urban centers.

The territorial domain of large forestry companies in the territory of the Mapuche people has intensified the conflict. To safeguard the interests of these companies, the last two governments have invested a considerable sum of money to equip police groups -GOPE (Police Special Operations Group) and DIPOLCAR (Directorate of Police Intelligence of Carabineros) - which are responsible for repressing particularly those communities that are in the process of territorial claim.

Development projects and infrastructure in Mapuche territory.

The construction of high-speed roads to facilitate the transport of forestry companies and landowners have been opposed by Mapuche communities affected. Convention 169 establishes free and informed, prior consent, which is routinely violated by the authorities. The Juan Paillalef community of Cunco is a prime example.The cultural and spiritual heritage of the Mapuche is continually ignored, as in Oak-Carimallin, community of Río Bueno, in which the Ceremonial Center Kintuante tis located, is threatened to be flooded by the construction of the hydroelectric plant Osorno, the Pilmaiken Company SA, whose environmental impact study was approved without participation of affected communities.

Abuse of Power of Police

On February 5, 2016 at 22:00 in Ercilla, Mijael Queipul Carbone and his cousin Juan Queipul, Temucuicui Community members were intercepted in his car by a dozen policemen GOPE. A lieutenant named Riquelme identified him without any explanation was removed from the vehicle and beaten on the head and other parts of your body with punches, kicks and blows from rifle along with racial slurs. After hours of torture the police took note injury Collipulli Hospital, where they were examined in the presence of police. They were then taken to the police station Collipulle accused of "aggression and abuse to police work."

The February 10, 2016, eight peasants, including a minor, were tortured by the BEPGs and other personnel in the town DIPOLCAR Puerto Choque. The villagers complained that they were tied hand and foot, interrogated, accused of committing crimes and savagely abused, including racial slurs. The tortures were practiced field open from 11:00 am to 16:30 'said one of the victims. They were taken to the Hospital of Cañete where, in the presence of the police, were examined. They were then taken to the police station Cañete and charged with "illegal possession of weapons" and "theft" of timber. independent witnesses indicate that vehicles peasants were empty, corroborated by photographs taken immediately after the burning of vehicles by police, two of the farmers sprayed with benzene police detention.

Lican Melinao Hugo, 35, is a member of the "Rodrigo Melinao" community in Ercilla. On October 2, 2014 in the evening he was shot in the leg outside his home by unknown. He was taken to hospital in Temuco. The police presumed that he participated in an act of violence occurred in another part of the region and was chained to the table, according to the medical report of Temuco and procedure sheet No. 374 of 03 October, 2014 October 7, 2014 , he was accused of fire, threats and attempted murder against the police, applying the law of the State Homeland Security and transferred to Remand Centre Angol. At present he is under house arrest and precautionary measures. The police come to your home at any time of day or night every day or two to three days to sign. Mr. Melinao has received death threats by unknown. Your home has been burned twice, and what is worse, his brother Rodrigo was killed on August 6, 2013, no one has been brought to justice for it.

On 15 September 2010 police raided his home, arrested him and was taken to the police station Collipulli.On the way he was threatened with death and tortured in the Malleco river, submerging his head in water.One of the policemen was pointing a gun his head, firing a shot into the air at the ear, breaking the iceberg.Mr. Melinao was formalized by the prosecutor Cesar Shibar Diaz, who requested a sentence of ten years in prison, accusing him of having masterminded the burning of a bus, he spent 6 months in detention and there was no evidence he was acquitted in July 2011. it was not compensated.

12 February 2016. Around 11am started a brutal raid on the community of Temucuicui, by plainclothes police, followed by GOPE of police and a helicopter. The police showed no warrant. As sequence policing virtually all the villagers were attacked and injured in various treaties consideration. Pedro Millanao Queipul, 68 years old, wanted to ask the reasons for the raid, but was shot at close range. He was taken to the office of Ercilla and referred to the hospital in Victoria, where noted 50 pellets and bullet lodged in his back.

Recommendations

- We requested the visit ***in situ*** of the Special Rapporteur on torture and other cruel, inhuman or degrading punishment, in order to meet with victims in order to ensure the following:

  - Respect the principles of medical ethics relevant to the role of health personnel in the protection of prisoners and detainees, victims of torture and Other Cruel, Inhuman or Degrading treatment in accordance with Principle 2, Resolution 37/194 of 18 / 12/1982 adopted by the UN General Assembly;

  - Require the Chilean government to immediately cease all acts of repression, torture and other inhuman and degrading treatment, carried out by the police, and DIPOLCAR, GOPE against Mapuches;

  - Ask the government to conduct a thorough investigation into the allegations of racism and other abuses of human rights;

Demand that the government of Chile meets all its obligations to the international laws to which it is legally bound.

Enlace Mapuche Internacional, Comunidad Juan Paillalef., an NGO without consultative status, also shares the views expressed in this statement.